THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO.11246 of 2006

Dated: 15-06-2006

K. Venkataramana and sixteen others.

..... PETITIONERS

AND

The District Collector, Visakhapatnam, and three others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION NO.11246 of 2006

ORDER:

The petitioners, who are seventeen in number, were assigned agricultural land in survey No. 170 of Marripalem village, which was once upon a time Rellugadda Cheruvu and at the relevant time it was defunct. It is the case of the petitioners that out of the total extent of Acs.53.15 cents of Rellugadda Cheruvu, the respondents assigned Acs.45.00 to the petitioners; Acs.5.00 each to the original assignees, who subsequently sold it to others. This writ petition is filed alleging that the fourth respondent without issuing any notice and without any due process of law started digging their land for restoration of Rellugadda Cheruvu. They, therefore, seek a writ of Mandamus declaring such action as illegal and arbitrary.

On 08-06-2006, when the matter was heard, the learned Assistant Government Pleader for Irrigation appeared and submitted that the officials of the irrigation department are digging the irrigation tank in survey No.170/1 admeasuring Acs.8.15 cents and in the land admeasuring Acs.45.00 which was assigned to the petitioners,

no work is being taken up. In view of this, the matter was adjourned to enable the learned Assistant Government Pleader for Irrigation to file a counter-affidavit of the fourth respondent. Accordingly, a counter-affidavit is filed, *inter alia,* stating as under.

> It is submitted that it is opined that, unless otherwise the entire tank bed is to be improved and storage capacity is increased, it is very difficult to supply water to the registered ayacut under the tank. It is submitted that an amount of Rs.10.00 lakhs was administratively sanctioned by the District Collector, Visakhapatnam for improvements of the tank. The boundaries for the entire tank bed of 53.15 Acres was fixed by the Revenue Department. The improvement work of the Relligadda Tank is being carried out only in S.No.170/1 in an extent of Ac.8.15 cents and the land allotted to Political Sufferers is not being disturbed and if the land is required for the department, it will be acquired as per law.

In view of the above averments, the grievance of the petitioners stand redressed adequately for the present. As rightly pointed out by the learned Assistant Government Pleader for Irrigation, it is always open to the State to resume the land assigned to the petitioners in accordance with law.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

15th June, 2006

ghn